

### REMARKS

Applicant respectfully requests reconsideration. Claims 1-5 and 7-20 were previously pending in this application. Claims 1 and 18 have been amended. As a result, claims 1-5 and 7-20 are pending for examination with claims 1 and 18 being independent claims. No new matter has been added.

#### Rejections Under 35 U.S.C. §102

Claims 1-5 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yamada (U.S. Patent No. 5,432,023).

Yamada is directed to a fuel cell having a stack of electromotive parts and forming a liquid fuel introducing path that is to be directly exposed to liquid fuel on terminal surfaces of component parts of the electromotive parts in a direction perpendicular to the flow of an oxidizing gas along at least one of an outer peripheral surface of the stack.

The Office Action refers to col. 29, line 54 to col. 30 line 2 of Yamada, contending that the fuel electrode (2) anticipates an electrode comprising a carbon carrying a metal and a binder. Without acceding to the propriety of the rejections, Applicants have amended independent claims 1 and 18 to include an electrode for incorporation in a solar cell, the electrode comprising a mixture of carbon carrying a metal and a binder.

First, Applicants point out that no where in Yamada is there teaching that the fuel electrode (2) is for *incorporation in a solar cell*. For example, fuel cells found in Yamada are constructed as to supply liquid fuel by capillary attraction to the fuel electrodes (see col. 29, lines 27-29 of Yamada). In contrast, incorporating the electrode of the current claim in a solar cell does not involve liquid fuel of the sort taught in Yamada. As a result, for this reason alone, the rejections of independent claims 1 and 18 should be withdrawn.

Second, Applicants note that Yamada does not disclose a *mixture* of carbon carrying a metal and a binder. In contrast, the carbon and the metal are taught in Yamada to be separate. More specifically, the fuel electrode (2) of Yamada is formed of a fuel-oxidizing catalyst that is supported on a porous carrier made of carbon particles or Ti carbide (see col. 29, lines 55-57 of Yamada). Additionally, a thin proton-conducting film (28) is made to completely coat the surface of the fuel-

oxidizing catalyst (27) including the surface of the carrier particles (26) (see Fig. 18 and col. 30, lines 12-20 of Yamada). Clearly, the fuel-oxidizing catalyst and the carrier particles of Yamada are separate and not formed as a mixture. For this additional reason, the rejections of independent claims 1 and 18 should be withdrawn.

Because claims 2-5 and 8 depend from claim 1, for at least the same reasons, the rejections of each of these claims should also be withdrawn.

#### Rejections Under 35 U.S.C. §103

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada. Claims 16 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada in view of Ishibashi (JP 2003021410). Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada in view of Yamakawa (U.S. Patent No. 6,656,633).

Because claims 7, 16, 17, and 20 depend from independent claim 1, for at least the same reasons as stated above for independent claim 1, the rejections of each of these claims should be withdrawn.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1459.70092US00.

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Respectfully submitted,

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